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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2011-533**

12 **DANIEL MARK ZIMNY**  
1648 Midford Lane  
13 Lincoln, CA 95648

**A C C U S A T I O N**

14 Registered Nurse License No. 677832

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about April 17, 2006, the Board issued Registered Nurse License Number  
24 677832 to Daniel Mark Zimny ("Respondent"). The license was in full force and effect at all  
25 times relevant to the charges brought herein and will expire on November 30, 2011, unless  
26 renewed.

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1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Criminal Convictions)**

5 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (f), in  
6 that Respondent has been convicted of the following crimes that are substantially related to the  
7 qualifications, functions, and duties of a registered nurse:

8 a. On June 12, 2007, in the Superior Court, County of Sacramento, California, in the  
9 matter titled *People v. Daniel M. Zimny*, Case No. 07T02535, Respondent was convicted by the  
10 court following his plea of nolo contendere to a violation of Vehicle Code section 23103.5,  
11 (reckless driving, alcohol related), a misdemeanor. Respondent was originally charged with a  
12 violation of Vehicle Code sections 23152, subdivision (a), and 23152, subdivision (b). The  
13 circumstances of the crime are that on or about April 25, 2007, following a routine traffic stop,  
14 Respondent was arrested for driving under the influence.

15 b. On July 9, 2009, in the Justice Court of Sparks Township, County of Washoe, State  
16 of Nevada, in the matter entitled *People v. Daniel Mark Zimny*, Case No. SJC 09-441,  
17 Respondent was convicted by the court following his plea of guilty to a violation of NRS 484.379  
18 and NRS 484.3792 (driving under the influence), a misdemeanor. The circumstances of the crime  
19 are that following a single vehicle accident caused by Respondent, he was arrested for being  
20 under the influence of alcohol. Respondent's blood alcohol measured .218%.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Criminal Convictions Involving the Consumption of Alcohol)**

23 9. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on  
24 the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (c), in that  
25 Respondent has been convicted of crimes involving the consumption of alcohol, as more  
26 particularly set forth in paragraph 8, above.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Use Alcohol to an Extent or in a Manner Dangerous or Injurious)**

3 10. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on  
4 the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in that  
5 on April 25, 2007, and February 26, 2009, Respondent consumed alcohol to an extent or in a  
6 manner dangerous or injurious to himself or others, as more particularly set forth in paragraph 8,  
7 above.

8 **PRAYER**

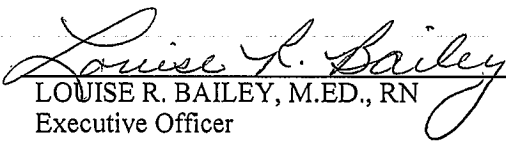
9 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 677832 issued to Daniel  
12 Mark Zimny;

13 2. Ordering Daniel Mark Zimny to pay the Board of Registered Nursing the reasonable  
14 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
15 Code section 125.3; and,

16 3. Taking such other and further action as deemed necessary and proper.  
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18  
19 DATED: 12/15/10

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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